

Minutes of the
Bountiful City Council Meeting
City Council Chambers
January 10, 2012, 7:00 p.m.

Present: Mayor: Joe L. Johnson
Council Members: Richard Higginson, Beth Holbrook, John Marc Knight,
Fred Moss, and Thomas Tolman
City Manager: Tom Hardy
City Attorney: Russell Mahan
City Engineer: Paul Rowland
City Recorder: Kim J. Coleman
City Treasurer: Mark McRae
Admin. Services Dir.: Galen Rasmussen
Planning/RDA Director: Aric Jensen
Department Heads: Gary Bowers, Streets
Allen Johnson, Power
Kent McComb, Golf Pro
Tom Ross, Police
Jerry Wilson, Parks
Recording Secretary: Nancy Lawrence

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice Website.

Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. Ryan King, visiting Boy Scout, led the pledge of allegiance to the flag, following which Councilman Moss offered the prayer/thought.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held December 13, 2011 were presented and approved, as corrected, on a motion made by Councilman Moss and seconded by Councilwoman Holbrook. Councilpersons Holbrook, Knight, Moss and Tolman voted "aye". Councilman Higginson abstained because he was not in attendance at the subject meeting.

COUNCIL REPORTS

Mayor Johnson commented on how amazing the City responded to the clean-up and repair efforts following the December 1st wind storm and he presented plaques of appreciation to "major players" who donated equipment and labor. As a representative from each entity was given the plaque, they were invited to give a short summary of their involvement. Companies/individuals recognized were: Ralph Smith and Wind River trucking, Ashworth Construction, Tire Pros, Grandview Rockery, Richter Landscape, Shupe Electric, Page 1 Marketing and Consulting, Sharper View Window Cleaning, Ponds Plumbing, Northwestern Mutual, Alexco, Serv Pro, State Farm, Bountiful Sub-Conservancy, Woods Cross City, UDOT, the Utah National Guard, and Salt Lake

1 City Street Department. Others mentioned in the meeting were Komatsu Equipment, Arnold
2 Eddings, Wasatch Mountain Excavating, and Bret Bryson. The Mayor acknowledged that the list of
3 those recognized might not be complete and he invited help in identifying others who should be
4 recognized.

5
6 Councilwoman Holbrook reported that the Bountiful Community Service Council will meet
7 this coming Saturday at 8:00 a.m. to discuss the implementation of an emergency preparedness fair.
8 The projected date is August, 2012. She thanked the members of the BCSC for their service and
9 noted that they are “amazing” volunteers.

10 11 **WEEKLY EXPENDITURES AND EXPENSES APPROVED**

12 Mayor Johnson presented the reports for expenditures and expenses greater than \$1,000 for
13 the following periods: December 1-7, 2011 (\$5,637,915.06), December 8-14, 2011 (\$163,088.96),
14 December 15-21, 2011 (\$331,885.55), and December 22-28, 2011 (\$1,361,148.04). Following a
15 short discussion, Councilwoman Holbrook made a motion to approve the four reports, as presented.
16 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons
17 Higginson, Holbrook, Knight, Moss and Tolman voted “aye”.

18 19 **YOUTH COUNCIL REPORT**

20 Maddie Fowers (Youth Mayor) and Nathan Ricks (Service Chair) were in attendance and
21 reported activities of the Youth Council. Mr. Ricks reviewed that the Youth Council assisted the
22 Bountiful Community Service Council in hosting the Breakfast with Santa, and the Bountiful Youth
23 Council and West Bountiful Youth Council had a joint Christmas social at the Joy Luck restaurant.
24 Youth Mayor Fowers said that the future calendar includes the Day with the Legislature for a tour,
25 lunch and speaker. They are hopeful of hearing from Sheryl Allen, Kim Burningham and Dave
26 Irvine.

27 28 **UPDATE REPORT ON MOSQUITO ABATEMENT DISTRICT – DUANE GARDNER**

29 Duane Gardner, Bountiful’s representative on the Mosquito Abatement District Board,
30 reported that the Mosquito Abatement District budget for calendar year 2012 is \$1,907.00.
31 Although the budget has remained flat for the last three years, it has had a carry-over each year
32 which is getting smaller. He praised Gary Hatch, manager of a full-time staff of four individuals,
33 with 32 – 35 seasonal employees. The threat of West Nile Virus has not gone away, with three
34 cases reported in Utah last year

35
36 Mr. Gardner reviewed some of the techniques which are used in combating mosquitoes and
37 stated that the main objective of the District is to keep the City safe and comfortable. He noted that
38 the use of a GPS system has helped greatly both for ground and aerial patrolling. The Mayor and
39 Council expressed appreciation to Mr. Gardner, for both the report and his service on the Board.

40
41 *Councilman Knight was excused from the meeting at this time (7:48 p.m.).*
42

43 **APPROVE ANNUAL MEETING SCHEDULE FOR 2012**

44 The Mayor presented the Public Notice which gives detailed information for the meeting
45 schedule for 2012, and noted that it is basically the same as has been followed this past year. The
46 Council will meet on 2nd and 4th Tuesdays, EXCEPT for July 24th (Pioneer Day) and December 25th

1 (Christmas). The notice provides that in addition to the regularly scheduled meetings, the City
2 Council may, from time to time, meet in special session as needed, pursuant to proper public notice.
3 Councilman Tolman made a motion to approve the Annual Meeting Schedule for 2012, Councilman
4 Moss seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Moss
5 and Tolman voted "aye".
6

7 **CITY TREASURER AND CITY RECORDER RE-APPOINTED**

8 Mr. Hardy reviewed that the ordinance requires that the City Recorder and City Treasurer be
9 re-appointed after an election. In accordance with this requirement, the Mayor recognized Mark
10 McRae (City Treasurer) and Kim Coleman (City Recorder) and recommended that they both be re-
11 appointed. Councilman Higginson made a motion to this effect, Councilwoman Holbrook seconded
12 the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Moss, and Tolman
13 voted "aye".
14

15 **DAVID IRVINE RE-APPOINTED TO POWER COMMISSION**

16 Mayor Johnson reported that David Irvine has served on the Power Commission since 1998
17 and his current term will expire on January 15, 2012. His knowledge and experience has been a
18 valuable asset to the Commission and it is the recommendation of Allen Johnson that Mr. Irvine be
19 re-appointed. Councilman Moss made a motion to re-appoint David Irvine to a 4-year term on the
20 Power Commission. Councilman Higginson seconded the motion and voting was unanimous.
21 Councilpersons Higginson, Holbrook, Moss and Tolman voted "aye".
22

23 **APPROVAL GIVEN TO RENEW GOLF COURSE LEASE WITH WESTERN FOODS**

24 Mr. McComb reported that Western Food Service (WFS) has had the concession lease
25 agreement at Bountiful Ridge Golf Course for the past 9 years. The current contract with WFS has
26 been for a period of three years, with an option to renew for another 3-year period upon mutual
27 agreement of both parties. The initial 3-year period has now ended. Mr. McComb explained that
28 they have been very pleased with the relationship and service of WFS. However, this past summer
29 WFS made a managerial change in the restaurant, and with consideration of that change, he
30 recommended that the lease be renewed with WFS for a period of only ONE year, with an option to
31 renew for two consecutive one-year periods, (upon mutual agreement), to provide an opportunity to
32 evaluate the new management on a yearly basis. The terms of the lease provide for (a) an annual
33 fee of \$25,000, or (b) 15% of concessionaire's annual gross sales (whichever is greater).
34

35 This recommendation was discussed, following which Councilwoman Holbrook made a
36 motion to approve the concession Lease Renewal, as recommended, for one year, with the option of
37 two one-year renewals of the lease. Councilman Higginson seconded the motion which carried
38 unanimously. Councilpersons Higginson, Holbrook, Moss, and Tolman voted "aye".
39

40 **EMERGENCY WIND DAMAGES APPROVED**

41 Allen Johnson reported that the latest estimate of wind damage to the power system in
42 Bountiful is \$1.4 million. He noted that costs associated with restoring power to the City were not
43 included in the budget and explained that revenue sources for these expenditures will be insurance,
44 FEMA, and retained earnings (set aside to handle such an emergency and accessed by opening the
45 budget). He reviewed the following invoices which are over the \$10,000 limit, requiring City
46 Council approval: Spanish Fork City (\$14,593.24 for labor, expenses, and materials); Dixie

Escalante REA (\$17,859.41 for labor, expenses and materials); Cache Valley Electric Company (\$46,411.24 for a portion of their work performed last month); and Asplundh Tree Experts (\$25,394.26 for the *extra hours* for the two crews who already work in the City and for the additional three crews that helped. He noted that the cities that provided assistance brought their own equipment and did not pass any equipment charges along. Councilman Moss made a motion to approve the four emergency expenditure payments outlined above. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Moss and Tolman voted “aye”. Mayor Johnson thanked the Power Department for getting the power back on as quickly as they did, noting this was a remarkable achievement.

**APPROVAL GRANTED TO JOE AND BETTE EGGETT PHASE 5
AMENDED SBDVN PLAT**

Mr. Rowland reported that following the previous approval of the one-lot Joe and Bette Eggett subdivision, it was determined that the size of the lot was deemed insufficient to justify the agreed sales price. As a means of remedying this, the owner has proposed to increase the lot size so as to increase its value. The Planning Commission has reviewed this request and it comes to the Council with a positive recommendation.

Councilwoman Holbrook made a motion to approve the Joe and Bette Eggett Subdivision Phase 5 *Amended* plat with the following conditions: (1) payment of all fees; (2) submit a current title report; and (3) correct any redlines. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Moss and Tolman voted “aye”.

**PRELIMINARY APPROVAL GRANTED FOR KENSINGTON COURT SBDVN –
640 EAST 400 NORTH – BRIGHTON HOMES, APPLICANT**

Mr. Rowland presented the request of Brighton Homes for preliminary subdivision approval of Kensington Court Subdivision at 640 East 400 North and explained that it comes to the Council with a positive recommendation, subject to the following conditions:

1. Any and all redlines be corrected
2. Any and all fees be paid
3. The 4-ft. wide private ingress/egress easement be removed from between Lots 11 and 12.

He said that the property is currently occupied by a couple of structures which will be demolished to make room for the new development. After a brief discussion, Councilwoman Holbrook made a motion to grant preliminary subdivision approval, as recommended. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Moss and Tolman voted “aye”.

Councilman Knight returned to the City Council meeting at this time (8:14 p.m.)

**COMMERCIAL SITE PLAN OF RAINEY HOMES PROFESSIONAL
OFFICE BUILDING APPROVED – 265 EAST 500 SOUTH**

Mr. Jensen presented the request of Rainey Homes for site plan approval of a 3,500 sq. ft. office building located at 265 East 500 South. The property is currently vacant, and is zoned Professional Office Neighborhood (PO-N). He said that the Planning Commission has reviewed

1 this request and recommends preliminary and final commercial site plan approval with the
2 following conditions:

- 3
- 4 1. The final landscaping plan must receive staff approval after 4-way inspection and
- 5 prior to final occupancy.
- 6 2. Any and all redline corrections be made prior to building permit approval.
- 7 3. All fees, including storm drain fee, be paid in full.
- 8 4. The exterior treatments of the building are conditioned upon adoption of the
- 9 proposed amendments to the PO-N zone. (Mr. Jensen noted that if the ordinance is
- 10 not changed, the developer will conform to the original ordinance).
- 11

12 Following discussion, the City Council also stipulated that the handicapped entry in the rear
13 must conform to current requirements for new construction. Councilwoman Holbrook made a
14 motion to approve the request of Rainey Homes, as recommended and with the stipulation from the
15 Council. Councilman Knight seconded the motion and voting was unanimous. Councilpersons
16 Higginson, Holbrook, Knight, Moss and Tolman voted "aye".

17

18 **CONTRACTS APPROVED TO PURCHASE PROPERTY IN HOLBROOK CANYON**

19 Mr. Jensen reviewed that approximately three years ago, representatives of the descendants
20 of Jed Stringham approached the City about acquiring the remainder of the property he
21 homesteaded in Holbrook Canyon. The City purchased two 20-acre parcels in December, 2010
22 with the help of a grant from the LeRay McAllister Fund and with the understanding that the
23 additional property could be purchased when additional funding was available. The City recently
24 received another grant (\$23,720), which will allow acquisition of 46.5 acres of the remaining 86.5
25 acres.

26

27 Mr. Jensen referenced the Memorandum of Understanding between the City and the
28 Stringham family members and recommended that the Council approve the Bargain Sale Real
29 Estate Purchase Contracts as presented; and that the Treasurer be authorized to fund the transactions
30 subsequent to the successful transfer of Title. Discussion followed and Councilman Knight made a
31 motion to approve the purchase, as recommended. Councilman Higginson seconded the motion and
32 voting was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted
33 "aye".

34

35 **STAFF AND CALENDARING ITEMS**

36 Mayor Johnson confirmed that the Council had received the Mayor Pro-Tem schedule for
37 the coming year, as well as the Council Committee Assignments. He recognized the marriage of
38 "Karen and Gary", regular attendees at City Council, and then called for a motion to authorize a
39 closed session. At 8:30 p.m. Councilman Higginson made a motion to adjourn to closed session to
40 discuss the character and professional competence of an individual(s), and to reconvene this
41 meeting following the closed session. Councilman Moss seconded the motion and voting was
42 unanimous. Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted "aye".

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44 *The open meeting reconvened at 8:51 p.m.*

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1 **CONSIDER APPOINTMENT OF CITY MANAGER**

2 Mayor Johnson reported that Mr. Hardy has resigned as City Manager and will be going on
3 an LDS mission to Washington DC to the LDS temple visitor's center. He will leave February 13th.
4 The City Council would like to consider re-appointing Mr. Hardy as City Manager upon his return
5 from his mission. In the interim, it is the recommendation of the Mayor that Russell Mahan be
6 appointed as interim City Manager. Councilman Knight made a motion to this effect,
7 Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons
8 Higginson, Holbrook, Knight, Moss and Tolman voted "aye".
9

10 Mr. Mahan expressed appreciation to the Mayor and City Council for the motion and second
11 and individual votes, and stated that he will look forward to working with them and with the staff.
12

13 The meeting adjourned at 8:53 p.m. on a motion made by Councilman Higginson and
14 seconded by Councilman Tolman. Voting was unanimous with Councilpersons Higginson,
15 Holbrook, Knight, Moss and Tolman voting "aye".